

Form J(1)

**IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction  
Appellate Side**

**Present :  
The Hon'ble Justice Bibek Chaudhuri**

**CRR 2296 of 2022**

**Kalyani Ghosh  
Vs.  
The State of West Bengal**

Mr. Angshuman Chakraborty  
Mr. S. S. Saha  
...for the petitioner

Mr. Anwar Hossain  
Ms. Ratna Ghosh  
...for the State

**Item No.136 ML**

**Heard & Judgment on: 02.08.2022**

**Bibek Chaudhuri, J.**

This is an application for expeditious disposal of Case No.N 25 of 2021 under Section 21 (C) of the Narcotic Drugs and Psychotropic

Substances Act presently pending before the learned Additional Sessions Judge, 6<sup>th</sup> Court at Barasat.

On perusal of the instant application and having heard the learned advocate for the petitioner, this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned advocate on behalf of the State. Therefore, Mr. Anwar Hossain along with Ms. Ratna Ghosh, learned P.P.-in-charge are requested to assist this Court on behalf of the State.

Appointment of Mr. Hossain and Ms. Ghosh be regularized by the learned Legal Remembrancer, Government of West Bengal.

It is submitted by the learned advocate for the petitioner that the petitioner is a lady languishing in Correctional Home on and from 18<sup>th</sup> February, 2021. The Investigating Authority has filed charge sheet and supplementary charge sheet on 27<sup>th</sup> February, 2021 and 17<sup>th</sup> November, 2021 respectively against the petitioner. The trial Court framed charge against the petitioner on 14<sup>th</sup> February, 2022 and subsequently, the learned trial Judge fixed two schedules for examination of the witnesses on behalf of the prosecution. However, no witness turned up on both the dates.

On perusal of the averment made in the instant petition as well as taking consideration the dates on which the learned trial Judge took up the case being Case No.N 25 of 2021 for hearing, I do not

find any ground to hold that the trial of the case is being delayed due to laches attributed to the learned trial Judge. The learned trial Judge framed charge against the accused /petitioner with utmost expedition and fixed two dates for recording evidence of the witnesses.

There are nine witnesses in the charge sheet. Next date is fixed on 3<sup>rd</sup> and 4<sup>th</sup> August, 2022.

In a case instituted on police report, it is the duty of the Investigating Officer to produce the witnesses on behalf of the prosecution. However, in most of the cases it is found that Investigating Officer does not take serious step for production of witnesses during trial and for this reason trial of the case is delayed.

Therefore, the instant revision is disposed of requesting the learned trial Judge to take a pro-active step directing the Investigating Officer of the case to remain present during trial of the witnesses on the next date of hearing. This direction is made considering the fact that all the charge sheeted witnesses are either police personnel or Government officials.

With the above direction, the instant criminal revision is disposed of.

**(Bibek Chaudhuri, J.)**